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SENATOR CAVANAUGH: Now wait a minute. Let me complete what I'm trying to express to you. The hospital has some obligation, I think, to insure that its member physicians are properly qualified so that if you had a physician who had lost his license or it had been suspended and they allowed ... they knew that and allowed him to continue to perform operations there and he performed some negligently, the hospital would most probably have some exposure there liability for allowing that conduct to continue, or that physician to operate under their auspices. That's the kind of situation that we're talking about.

The language clearly says that it's the hospital, it's officers and directors that are insured and not the physician. They are insured against the negligent acts of a physician performing within their membership.

SENATOR MURPHY: I guess I would have trouble separating those two if I elected, having been injured, if I elected to sue I'm afraid under the circumstances I would most certainly enjoin that hospital for having permitted that physician to operate negligently upon me and that that hospital premium is going to reflect that rather rapidly.

SENATOR CAVANAUGH: No well the hospital clearly, Senator Murphy, the hospital is not always negligent for the acts of a physician performing a service within a hospital. There are cases in which it can be liable and there are clearly cases in which the physician is totally, exclusively the one responsible.

(President Wheland president)

PRESIDENT: Senator Stoney.

SENATOR STONEY: Mr. President, question of Senator Cavanaugh please. Senator Cavanaugh, I'd like to pursue just a little further the question that Senator Murphy just had ... the conversation he just had with you. Assume, for an instance, that the doctor contracts with the hospital and is a staff position. Is he covered? Should this hospital be covered under the association plan? Would that doctor, who contracts with the hospital as a staff position, is he covered?

SENATOR CAVANAUGH: Most lik.... As a full-time employee?

SENATOR STONEY: Full-time employee, staff position, not one that just performs surgery in that hospital by agreement with the hospital.

SENATOR CAVANAUGH: Under that circumstance I would think he would be covered, yes.

SENATOR STONEY: Well that's an interesting question because this is something I hadn't considered. I think Senator Murphy was possibly getting to that point. If an individual contracts with the hospital, is a staff position, it's your understanding, with this bill as it is at the present time, that he would be insured through the association and would not have to carry his own individual liability coverage.